

ZB# 07-18

Charles Flynn

80-1-2

07-18 Charles Flynn (ARCA)
213 Butterhill Dr. (80-1-2)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 6-25-07

07-18

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 80-1-2

In the Matter of the Application of

CHARLES E. FLYNN

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #07-18

WHEREAS, Charles Flynn, owner(s) of 213 Butterhill Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 2 ft. Maximum Height for existing 6 ft. fence projecting closer to the street than the dwelling at 213 Butter Hill Drive in a CL Zone (80-1-2)

WHEREAS, a public hearing was held on June 25, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an C-L zone.
 - (b) The applicant has a 6 foot fence projecting closer to the road than the dwelling. Only a 4 foot fence is allowed.
 - (c) The former 4 foot fence, which the applicant replaced with a 6 foot fence, extends approximately 2 feet past the house. It does not extend close enough to the roadway to impair the vision of passing motorists or impair the safe operation of motor vehicles on the adjacent roadway.

- (d) The fence is used in connection with a pool on the property. The fence is so located so that it does not impair the view of any neighboring property owner.
- (e) In constructing the fence, the applicant will not remove any trees or substantial vegetation.
- (f) In building the fence the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (g) In building the fence the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (h) The fence is approximately 41 feet from the adjacent roadway.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

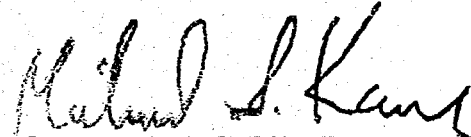
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 2 ft. Maximum Height for existing 6 ft. fence projecting closer to the street than the dwelling at 213 Butter Hill Drive in a CL Zone (80-1-2) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 25, 2007

A handwritten signature in dark ink, appearing to read "Michael S. Kuntz", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: March 28, 2007

**APPLICANT: Charles E. Flynn
213 Butterhill Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/20/07

FOR : Existing 6ft. fence.

LOCATED AT: 213 Butterhill Dr

ZONE: CL Sec/Blk/ Lot: 80-1-2

DESCRIPTION OF EXISTING SITE: One family house.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing 6ft. fence projects closer to the street than the dwelling.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C-L USE: Bulk tables

300-11-C-1-C

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX HT:

4ft.

6ft.

2ft.

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

COPY

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underside plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

FEB 20 2007

FOR OFFICE USE ONLY:
Building Permit #: 2007-109

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises CHARLES & ELIA FLYNN

Address 213 BUTTERHILL DRIVE

Phone # 845-565-1131

Mailing Address NEW WINDSOR NY 12553

Fax # _____

Name of Architect _____

Address _____

Phone _____

Name of Contractor T & C FENCE

Address 16 MARNE AVE. Newburgh NY Phone 845-565-5357

State whether applicant is owner, lessee, agent, architect, engineer or builder builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the South side of BUTTERHILL DRIVE
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ✓

3. Tax Map Description: Section 80 Block 1 Lot 2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____

b. Intended use and occupancy _____

5. Nature of work (check if applicable)

☐ New Bldg.

☐ Addition

☒ Alteration

☐ Repair

☐ Removal

☐ Demolition

☒ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____

Rear _____

Depth _____

Height _____

No. of stories 1

8. If dwelling, number of dwelling units: _____

Number of dwelling units on each floor _____

Number of bedrooms 3

Baths 2

Toilets 2

Heating Plant: Gas ✓

Oil _____

Electricity at Air _____

Hot Water ✓

If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$ 7,000

Fee 0

219 107
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lal & Louis Krychear
New Windsor Town Hall
656 Union Avenue
New Windsor, New York 12653
(845) 863-4818
(845) 863-4885 FAX

Side Insp Examined _____
Pro Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and covenants that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

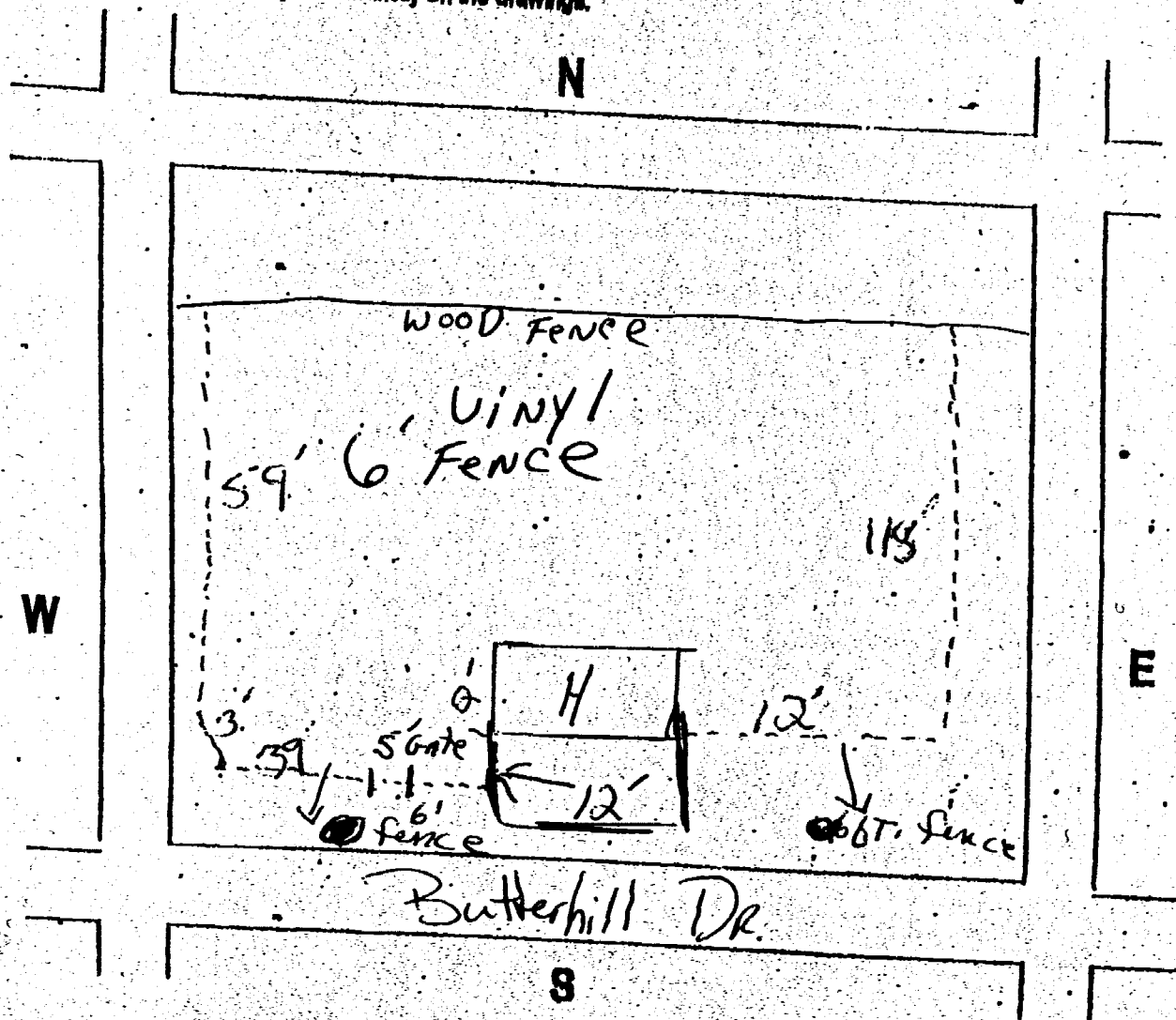
Elia A. Flynn
(Signature of Applicant)

(Address of Applicant)

Elia A. Flynn
(Owner's Signature)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



BUILDING PERMIT

The Town of New Windsor Building Department, County of Orange, State Of New York
hereby issues permit for project as described herein:

Permit No.

PA2007-109

Permit Valid Until:

8/22/2008

Issued Date: **2/22/2007**

Location of Property: **213 Butterhill Dr**

Type of Permit **Residential Fence**

Tax Parcel ID: **80-1-2**

Fee: **\$0.00**

Owner: **Flynn, Charles E.**

Applicant: **Flynn, Charles E.**

Flynn, Elia A.

213 Butterhill Dr

213 Butterhill Dr.

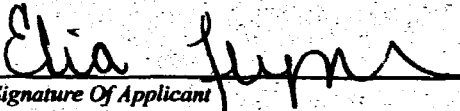
New Windsor, NY 12553

FILE COPY

Description Of Work

REPLACING 4FT. FENCE IN FRONT W/ 6FT. FENCE & 6FT. FENCE ON SIDES OF PROPERTY

I am familiar with the Zoning/Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. The information stated above is correct and accurate.


Signature Of Applicant

A permit, under which no work has commenced within six (6) months after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspection will not be scheduled. YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE when calling for any inspections or inquiries.

Comments:

6ft fence shall be no closer to the street than the dwelling

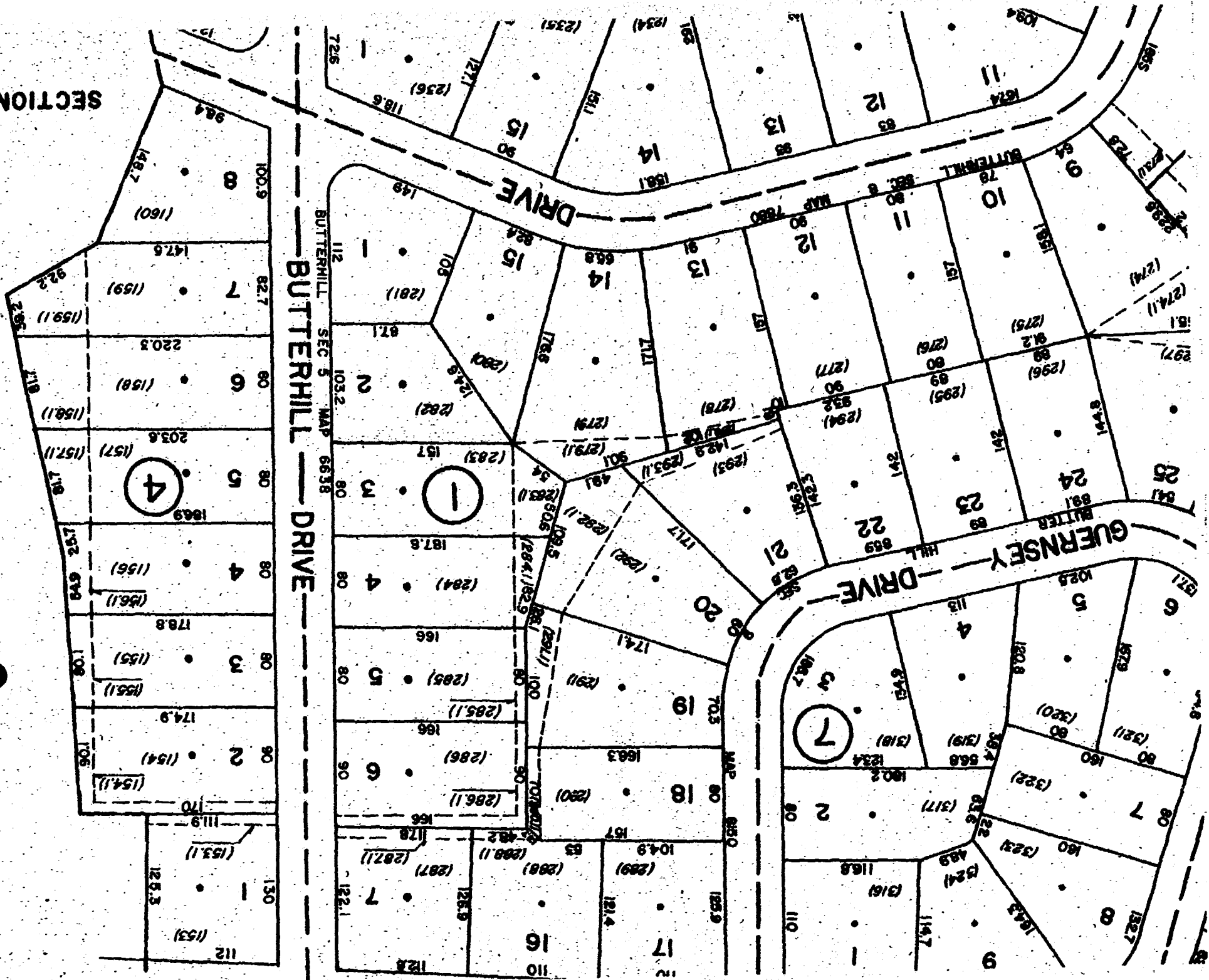
You must call for the following inspections:

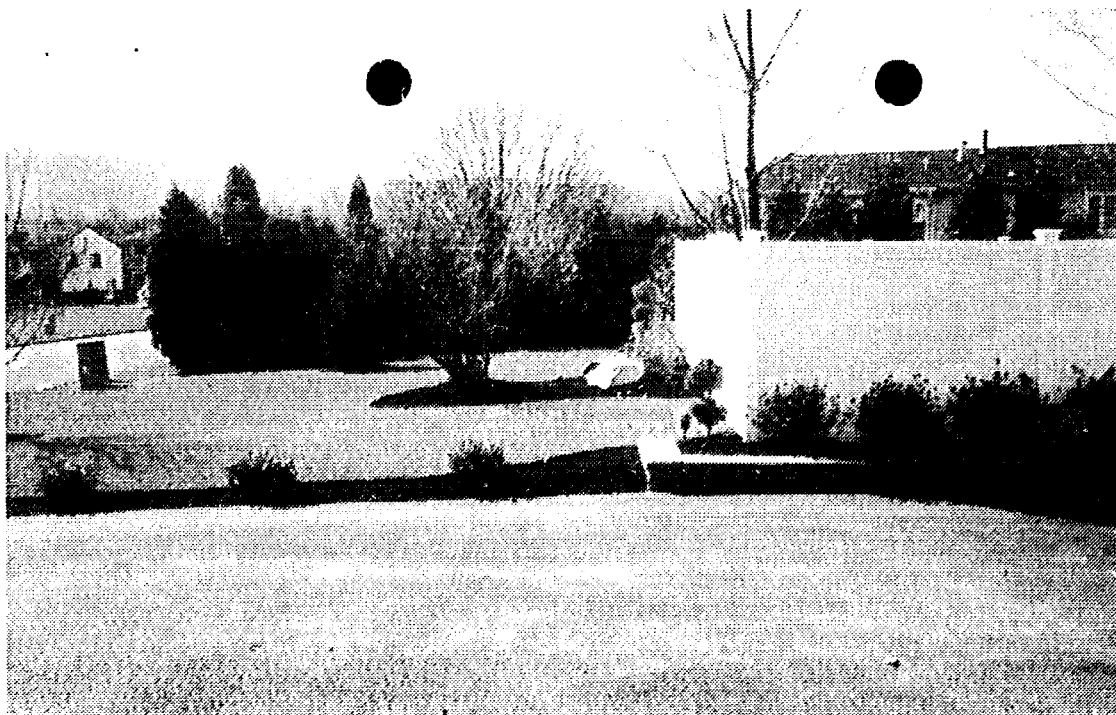
9. CO OR CC - (845) 563-4618

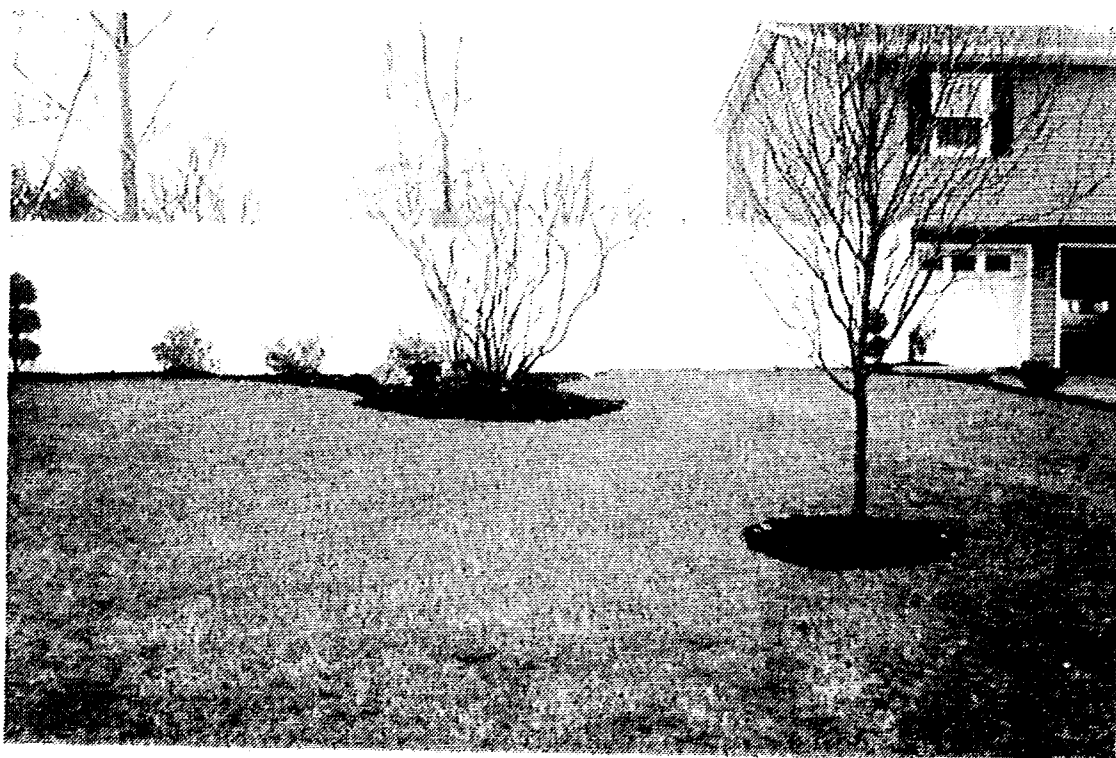
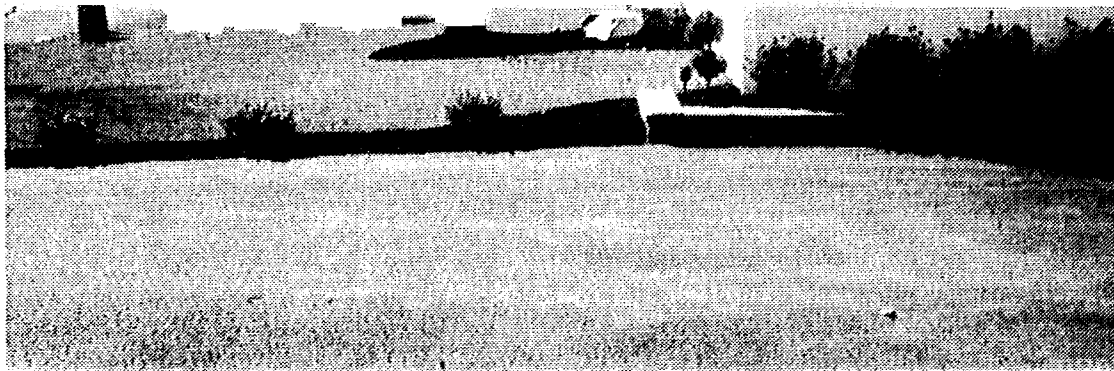
CC. FAIL

6' fence closer to road than house


Louis Krychew, Asst. Building Inspector









**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 11/08/07
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 174.92 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-18

NAME & ADDRESS:

**Charles Flynn
213 Butterhill Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F. 11/08/07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-18 TYPE: AREA TELEPHONE: 565-1131

APPLICANT:

Charles Flynn
213 Butterhill Drive
New Windsor, NY 12553

| | | |
|----------------|-----------|--------------------|
| RESIDENTIAL: | \$ 50.00 | CHECK # <u>338</u> |
| COMMERCIAL | \$ 150.00 | CHECK # _____ |
| INTERPRETATION | \$ 150.00 | CHECK # _____ |

ESCROW: RESIDENTIAL \$300.00 CHECK # 337

~~~~~

| <u>DISBURSEMENTS:</u> |  | MINUTES<br>\$7.00 / PAGE | ATTORNEY<br>FEE |
|-----------------------|--|--------------------------|-----------------|
|-----------------------|--|--------------------------|-----------------|

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>3</u> | PAGES | \$ <u>21.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>3</u> | PAGES | \$ <u>21.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 06-15-07      \$ 13.08

TOTAL:      \$ 55.08      \$ 70.00

~~~~~

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 125.08

AMOUNT DUE: \$ _____

REFUND DUE: \$ 174.92

Cc:

J.F. 11/08/07



RESULTS OF Z.B.A. MEETING OF: June 25, 2007

PROJECT: Charles Flynn ZBA # 07-18
P.B.# _____

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M)_____S)_____ VOTE: A____N_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

PUBLIC HEARING: M)_____ S)_____ VOTE: A____ N_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____N_____

APPROVED: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES 1
VARIANCE APPROVED: MLO S I VOTE: A 4 N 0.

VARIANCE APPROVED: M) LO S) I VOTE: A 4 N 0

| | |
|-----------|---|
| GANN | A |
| LUNDSTROM | A |
| LOCEY | A |
| TORPEY | A |
| NAME | |

CARRIED: Y ☒ N

[illegible]



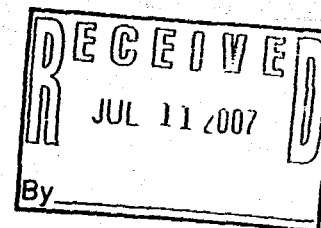
THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

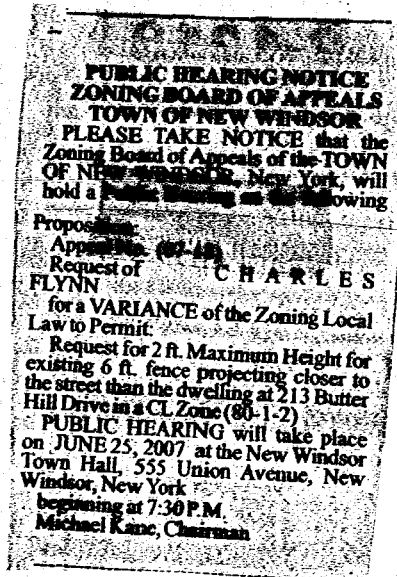
| Date | Invoice # |
|-----------|-----------|
| 6/25/2007 | 496 |

| |
|---|
| Bill To |
| TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553 |



| P.O. No. | Terms | Project |
|----------|-------|---------|
| 49759 | | |

| Issue Date | Description | Rate | Amount |
|------------|-------------------------------------|--------------|----------------|
| 6/15/2007 | LEGAL ADS: APPEAL NO. 07-18 - FLYNN | 9.08 | 9.08 |
| | 1 AFFIDAVIT | 4.00 | 4.00 |
| | | Total | \$13.08 |



State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn disposes and says that she is the Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, 1 time (s) commencing on the 15th day of June A.D., 2007 and ending on the 15th day of June A.D. 2007

Kathleen O'Brien

Subscribed and shown to before me this 10th day of July, 2007.

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

My commission expires July 15, 2011

CHARLES_FLYNN_(07-18)

Mr. Charles Flynn appeared before the board for this proposal.

MS. GANN: Request for 2 foot maximum height for existing 6 foot fence projecting closer to the street than the dwelling at 213 Butterhill Drive. Please state your name and address.

MR. FLYNN: Charles Flynn, 213 Butterhill Drive, New Windsor, New York.

MS. GANN: Tell us why again you're here.

MR. FLYNN: Well, I had an existing 4 foot wood fence so my wife and I decided to get a 6 foot fence and now the one side of the house, the 4 foot fence was taken out 2 feet beyond the house which was the previous owners had so we assumed, you know, it would be all right but actually for a 6 foot fence but we didn't know that even though it's too far away from the road, you know, it's not blocking anybody's view whatsoever, you know. Therefore, you know, we're looking for some privacy, you know, safety and for improving the house.

MS. GANN: So you're using this for privacy?

MR. FLYNN: Yes.

MS. GANN: This is already existing?

MR. FLYNN: Yes, cause we have a pool, we have one gate on the fence, it's locked every night, we have a daughter so and behind the house where the neighbor is behind us have all trees behind on the property so it's not blocking anybody's view whatsoever. We just, you know, it's time for a change, the 4 foot fence was going so, you know, we didn't know that it was going to be a problem.

MR. KRIEGER: It's not over any easements?

MR. FLYNN: No easements.

MR. KRIEGER: No vegetation was cut, removed in order to put up the fence?

MR. FLYNN: No.

MS. GANN: Create any drainage issues or problems?

MR. FLYNN: No. The fence was actually put on the same spot where the 4 foot fence was originally.

MS. GANN: Where is the gate to get in?

MR. FLYNN: Right there, it's a five foot gate we have locked every night.

MR. KRIEGER: How far is the fence from the roadway?

MR. FLYNN: Well, actually, my landscaper did the landscaping, he mentioned 41 feet from the road.

MS. GANN: Any other questions from the board? Is there anyone here for this public hearing? Seeing that there's none, I'll close the public portion, ask Myra how many mailings.

MS. MASON: On the 12th of June I mailed out 70 addressed envelopes, had no response.

MR. LUNDSTROM: Are there other fences like this in your neighborhood?

MR. FLYNN: Oh, yes, guy across the street I told you, Myra, about the neighbor giving problems, he had a fence, well, his fence is flush against the house but my fence was one side flush but the other side was

June 25, 2007

42

sticking out two feet from the original owners who had it so I assumed--

MR. LUNDSTROM: So the answer is yes?

MR. FLYNN: Yes.

MS. GANN: I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Charles Flynn for a two foot maximum height variance for an existing 6 foot fence which projects closer to the street at 213 Butterhill Drive in a CL Zone.

MR. TORPEY: I'll second that.

ROLL CALL

| | |
|---------------|-----|
| MR. LUNDSTROM | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MS. GANN | AYE |

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

CHARLES FLYNN

#07-18

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)


That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 12TH day of JUNE, 2007, I compared the 70 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

12th day of June, 2007



Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/12



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

May 16, 2007

Charles Flynn
213 Butterhill Dr.
New Windsor, NY 12553

Re: 80-1-2 ZBA#: 07-18 (70)

Dear Mr. Flynn:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00 minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wile, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

78-9-18
MATTHEW &
IRIS JOHNSON
213 DAIRY LN.
NEW WINDSOR, NY 12553

78-9-19
CHERYL WALKER
215 DAIRY LN.
NEW WINDSOR, NY 12553

78-9-20
FRANCIS &
LISA MARIE DECOLA
217 DAIRY LN.
NEW WINDSOR, NY 12553

78-9-21
MICHAEL &
MAUREEN BUSWEILER
219 DAIRY LN.
NEW WINDSOR, NY 12553

78-9-22
ROBERT SMITH
221 DAIRY LN.
NEW WINDSOR, NY 12553

78-9-23
RAYMOND &
LAURA MCCORMACK
23 DAIRY LN.
NEW WINDSOR, NY 12553

78-9-24
JAMES KIMBALL
25 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-9-25
STEVEN RODICH
PO BOX 4002
NEW WINDSOR, NY 12553

78-11-3
MYRTA LUGO
214 DAIRY LN.
NEW WINDSOR, NY 12553

78-11-4
CARL & MARGARET GIBSON
212 DAIRY LN.
NEW WINDSOR, NY 12553

80-1-1
DAVID & BARBARA GRAY
215 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-13
MONA MALONEY
330 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-1-23
VALERY & ALLA ZAKHAROV
86 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-1-3
MICHAEL & LIZETTE FULCO
211 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-14
ANTHONY & VENUS SANCHEZ
328 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-1-24
ROSE JURIK
84 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-1-4
ANDREW & CAROL ELSTOB
209 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-15
RAYMOND & SHERRI BOSSE
326 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-1-25
LESLIE MOTARD
82 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-1-5
MICHAEL MULLIGAN
207 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-16
BORIS &
CHRISTINA LONKEWYCZ
33 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-2-1
ROBERT &
ROSEMARIE MEYERS
217 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-6
SHIRLEY FIGUEROA
205 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-17
WILLIAM &
KATHLEEN VACCA
PO BOX 4013
NEW WINDSOR, NY 12553

80-2-2
THOMAS HATTON
219 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-7
MICHAEL & KAREN POSPISIL
3 HARVEY WAY
NEWBURGH, NY 12553

80-1-18
JOHN & BETH HORDINES
96 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-2-3
ROBERT &
ANGELA DONALDSON
221 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-1-9
ANTHONY WANDELL
338 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-1-19
LISA DEWSNAP
94 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-2-4
PHILIP &
IRENE HERNANDEZ
84 CREAMERY DR.
NEW WINDSOR, NY 12553

80-1-10
JAMES CLAPP
336 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-1-20
LOUIS HERNANDEZ &
IRIS CORDERO-HERNANDEZ
92 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-2-5
GERALD &
ROSE MARIE BOHR
86 CREAMERY DR.
NEW WINDSOR, NY 12553

80-1-11
FARREL TANNENBAUM
334 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-1-21
LUIGI & LINDA DICOCCHO
90 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-2-6
GARY & THERESA HALL
88 CREAMERY DR.
NEW WINDSOR, NY 12553

80-1-12
ALAN & MAUREEN SCHECK
332 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-1-22
EDITH DYER &
NORMAN NOWOSINSKI
88 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-2-7
ANDRES &
DEIRDRE WASHINGTON
90 CREAMERY DR.
NEW WINDSOR, NY 12553



80-2-11
SEAN & MONICA JONES
333 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-5
ANTHONY DILORENZO &
LINDA PULZ
210 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-7-9
JAMES SMITH &
DIANE CASSELL-SMITH
37 GUERNSEY DR.
NEW WINDSOR, NY 12553

80-2-12
JERRY &
RODOLFO VALENZUELA
331 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-6
CHARLES ANDERSON
212 BUTTERHILL DR.
NEW WINDSOR, NY 12553

78-6-1
JAMES DIETZ
220 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-2-13
CRAIG & PATRICIA WOOD
329 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-7
JOHN GUIDO &
LESLIE HYNES
214 BUTTERHILL DR.
NEW WINDSOR, NY 12553

78-6-2
WINNIFRED MORTON
78 CREAMERY DR.
NEW WINDSOR, NY 12553

80-2-14
KEITH & COLLEEN SCHAFER
327 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-8
DONALD & DONNA BIGI
216 BUTTERHILL DR.
NEW WINDSOR, NY 12553

78-6-21
JEAN KELLEY
317 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-2-15
SAMANTHA CALDERONE
325 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-7-1
DAVID &
MICHELE STEINBURG
53 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-6-22
MICHAEL BURGE &
BARBARA TROTTA BURGE
319 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-3-1
PAUL DECKER &
LUANN SERRANO
323 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-7-2
CHARLIE RIOS
51 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-6-23
DAVID &
CATHY PRINCIATO
321 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-1
BRIAN & KATHLEEN DOYLE
202 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-7-3
RAFAEL & JANET MARTINEZ
49 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-9-1
JOSEPH & MIAGROS ARCE
322 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-2
PETER STUKONIS &
MARGARET ELSTOB
204 BUTTERHILL DR.
NEW WINDSOR, NY 12553

80-7-4
CHARLIE GUZMAN &
WANDA CARDONA-GUZMAN
47 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-9-2
JAN & ANGELINA ROSTEK
320 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-3
ROY & CYNTHIA GUTSHALL
705 MARA DR.
BLUE BELL, PA 19422

80-7-5
JOHN CARPENTER
272 QUASSAICK AVE.
NEW WINDSOR, NY 12553

78-9-3
MICHAEL & SHEILA BROCK
318 BUTTERNUT DR.
NEW WINDSOR, NY 12553

80-4-4
AVA & HERBERT BENJAMIN
208 BUTTERHILL RD.
NEW WINDSOR, NY 12553

80-7-7
KEVIN & KIM WHITE
41 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-9-4
JAMES & DOLORES DAVITT
316 BUTTERNUT DR.
NEW WINDSOR, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

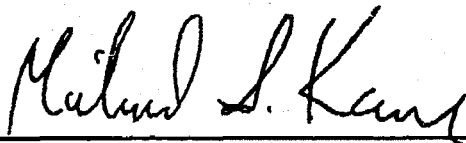
Appeal No. (07-18)

Request of CHARLES FLYNN

for a VARIANCE of the Zoning Local Law to Permit:

Request for 2 ft. Maximum Height for existing 6 ft. fence projecting closer to the street than the dwelling at 213 Butter Hill Drive in a CL Zone (80-1-2)

PUBLIC HEARING will take place on JUNE 25, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

A handwritten signature in cursive script, reading "Michael S. Kane", written in black ink.

Michael Kane, Chairman

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#357-2007

05/14/2007

Flynn, Charles

Received \$ 50.00 for Zoning Board Fees, on 05/14/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

CBA # 07-18

May 14, 2007

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CHARLES_FLYNN_(07-18)

MR. KANE: Request for 2 foot maximum height for existing six foot fence projecting closer to the street than the dwelling at 213 Butter Hill Drive.

Mr. Charles Flynn appeared before the board for this proposal.

MR. KANE: State your name and address.

MR. FLYNN: I'm Charles Flynn, 1213 Butterhill Drive, New Windsor, New York.

MR. KANE: Tell us what you want to do, sir.

MR. FLYNN: We had an existing 4 foot fence so we want to replace with six foot vinyl fence for privacy so we had a contractor put the fence on the existing line of the fence one side of the house where the 4 foot fence was sticking out two feet from the fence so we thought okay, could be okay if we put the six foot fence in the same place. But we didn't know that extra two feet would be a problem but, you know, otherwise it's not blocking anyone's view. We put it up for privacy for the property, you know, that's all we ask, you know.

MR. KANE: You guys did a nice job renovating the house. I've seen it. So you believe that you want this fence for more privacy for your property, safety issues?

MR. FLYNN: Yeah, for my daughter, we have a gate and, you know, and basically back property is all trees from the neighbors on the sides and behind, it's basically, you know.

MR. BABCOCK: They have an above-ground pool.

MR. FLYNN: Yeah, I do.

May 14, 2007

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MR. BABCOCK: So that's a little extra security.

MR. KANE: Little bit more for the safety on the pool?

MR. FLYNN: Yeah cause we're there for almost seven years now and it's 4 foot fence was there for the previous owners.

MR. KANE: Young children?

MR. FLYNN: Yes.

MR. KANE: You also have a pool 15 x 30 pool in the other property on this side too so big safety issue.

MR. FLYNN: Yeah and we have one gate, always lock it.

MR. KANE: Again, if everything is approved here you still have to meet all the requirements from the building department.

MR. FLYNN: Yeah.

MR. KANE: Any further questions?

MR. LUNDSTROM: No.

MR. KANE: Straightforward. I'll accept a motion.

MS. LOCEY: I'll offer a motion on the application of Charles Flynn for his request for a two foot maximum height for existing six foot fence which projects closer to the street than the dwelling all at 213 Butterhill Drive in a CL Zone.

MR. TORPEY: I'll second that.

ROLL CALL

May 14, 2007

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| | |
|---------------|-----|
| MS. GANN | AYE |
| MR. LUNDSTROM | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 05-10-07

FOR: 07-18 ESCROW

FROM:

Charles Flynn
213 Butterhill Drive
New Windsor, NY 12553

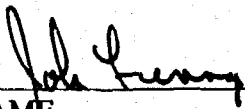
CHECK FROM:
SAME

CHECK NUMBER: 337

TELEPHONE: 565-1131

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME 5/14/07
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF ZBA MEETING OF: May 4, 2007

PROJECT: Charles Flynn ZBA # 07-18
P.B.#

P.B.# _____

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M)_____S)_____ VOTE: A___N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N. _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

ALL VARLANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lo S) T VOTE: A N

| | |
|-----------|---|
| GANN | A |
| LUNDSTROM | A |
| LOCEY | A |
| TORPEY | A |
| KANE | A |

CARRIED: Y_____N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES
VARIANCE APPROVED: M) S) VOTE: A N.

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

May 14, 2007 Agenda

TOTAL CHARGES:

Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)
To be completed by Local Board having jurisdiction.
To be signed by Local Official.

MUNICIPALITY: TOWN OF NEW WINDSOR

TAX MAP ID: 80-1-2
(Section-Block-Lot)

Local File #: 07-18 (Please refer to this number in review) Project Name: CHARLES FLYNN

Applicant: CHARLES FLYNN
213 BUTTER HILL DRIVE
NEW WINDSOR, NY 12553

Send Copy of Letter to Applicant: (check one)

Yes ☐ No ☐

Attorney, Engineer, Architect: N/A

Location of Site: 213 BUTTER HILL DRIVE - NEW WINDSOR, NY
(Street, highway, nearest intersection)

Size of Parcel: _____ Existing Lots: XXX Proposed Lots/Units: _____

Present Zoning District: CL

TYPE OF REVIEW:

- ☐ Site Plan (SP): _____
- ☐ Special Use Permit* (SUP) _____
- ☐ Variance* USE (UV): DESCRIPTION OF PROJECT:
AREA (AV): DESCRIPTION OF PROJECT: EXISTING 6 FT. FENCE PROJECTS
CLOSER TO THE STREET THAN THE DWELLING.
- ☐ Zoning District Change* From: _____ To: _____
- ☐ Zoning Amendment To Section: _____
- ☐ Subdivision: Major _____ Minor _____
- ☐ Sketch ☐ Preliminary ☐ Final (Please indicate stage)
- ☐ Other Comments: _____

Date: 05-11-07

Myra Mason, Secretary to the ZBA

* Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID# _____

GML 239 Referral Guide – 02/27/2007



07-18

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

APRIL-16-2007

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 565-1131
 CHARLES E. Flynn Fax Number: ()
 (Name)
 213 Butterhill Drive New Windsor NY 12553
 (Address)

II. **Applicant:** Phone Number: ()
 (Name) Fax Number: ()
 (Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
 Fax Number: ()
 (Name)
 (Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
 Fax Number: ()
 (Name)
 (Address)

V. **Property Information:**

(Zone): CL Property Address in Question:
 Lot Size: Tax Map Number: Section 80 Block 1 Lot 2
 a. What other zones lie within 500 feet?
 b. Is pending sale or lease subject to ZBA approval of this Application?
 c. When was property purchased by present owner?
 d. Has property been subdivided previously? If so, When:
 e. Has an Order to Remedy Violation been issued against the property by the
 Building/Zoning/Fire Inspector?
 f. Is there any outside storage at the property now or is any proposed?

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)

Area Variance requested from New Windsor Zoning Local Law,

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------------------|---------------------|------------------------------|-------------------------|
| Min. Lot Area | | | |
| Min. Lot Width | | | |
| Reqd. Front Yd. | | | |
| Reqd. Side Yd. | | | |
| Reqd. Rear Yd. | | | |
| Reqd. St Front* | | | |
| Max. Bldg. Hgt. | 4 FT | 6 FT | 2 FT |
| Min. Floor Area* | | | |
| Dev. Coverage* | | | |
| Floor Area Ration** | | | |
| Parking Area | | | |

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

We had an existing 4 Ft Fence, so
We had decided to have a 6 Ft Vinyl Fence to be put up
for privacy. Not knowing the extra 2 Ft in front of the house
would be a problem, we had the contractor install the fence on
the existing spot where the 4 Ft fence was. The fence is not
obstructing anybody's view. Also the new 6 Ft fence gives
our property a lot of curb appeal and it looks nice too.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16th day of April 2007.

Charles E. Ryan

Owner's Signature (Notarized)

Owner's Name (Please Print)

Deborah Green

Signature and Stamp of Notary

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 18, '07

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

| | |
|---|----------------------|
| 1. APPLICANT /SPONSOR <u>Charles E. Flynn</u> | 2. PROJECT NAME |
| 3. PROJECT LOCATION: Municipality _____ County <u>Orange</u> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>213 Butterhill Drive</u> <u>New Windsor NY 12553</u> <u>Butterhill Estates</u> | |
| 5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: <u>Existing 4ft wooded fence had been replaced by a 6ft vinyl white fence on the both sides of the property line</u> | |
| 7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE | |
| Applicant/sponsor name: <u>Charles E. Flynn</u> | Date: <u>4/16/07</u> |
| Signature: <u>Charles E. Flynn</u> | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II--ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

| | |
|--|--|
| <p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>If yes, coordinate the review process and use the FULL EAF.</p> |
| <p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>If No, a negative declaration may be superseded by another involved agency.</p> |
| <p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <i>none</i></p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <i>it will have no effect For the Above</i></p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <i>it will have no effect For the Above</i></p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <i>none AT All</i></p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <i>none AT All</i></p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <i>none AT All</i></p> <p>C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly: <i>none AT All</i></p> | |
| <p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p> | |

PART III--DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

| | |
|---|--|
| <p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p> | |
| <p>_____ Name of Lead Agency</p> | |
| <p>_____ Print or Type Name of Responsible Officer in Lead Agency</p> | <p>_____ Title of Responsible Officer</p> |
| <p>_____ Signature of Responsible Officer in Lead Agency</p> | <p>_____ Signature of Preparer (if different from responsible officer)</p> |
| <p>_____ Date</p> | |



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

| | |
|--|----------|
| APPLICATION FEE: | \$ 50.00 |
| *ESCROW: | \$300.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

MULTI-FAMILY: (Three Separate Checks Please)

| | |
|--|----------|
| APPLICATION FEE: | \$150.00 |
| *ESCROW: | \$500.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

COMMERCIAL: (Three Separate Checks Please)

| | |
|--|----------|
| APPLICATION FEE: | \$150.00 |
| *ESCROW: | \$500.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

INTERPRETATION: (Three Separate Checks Please)

| | |
|--|----------|
| APPLICATION FEE: | \$150.00 |
| *ESCROW: | \$500.00 |
| ** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST: | \$ 25.00 |

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

| | |
|--------------|--------|
| 1-10 NAMES | 25.00 |
| 11-20 NAMES | 35.00 |
| 21-30 NAMES | 45.00 |
| 31-40 NAMES | 55.00 |
| 41-50 NAMES | 65.00 |
| 51-60 NAMES | 75.00 |
| 61-70 NAMES | 85.00 |
| 71-80 NAMES | 95.00 |
| 81-90 NAMES | 105.00 |
| 91-100 NAMES | 115.00 |

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

Please Read



**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA
COUNTY EXECUTIVE

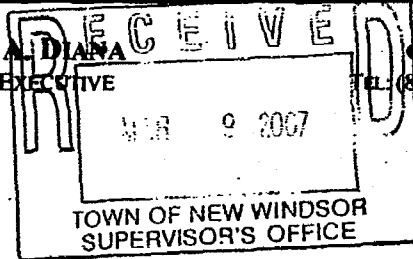
124 MAIN STREET

GOSHEN, NEW YORK 10924-2124

TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER

5 March, 2007

**POLICY REMINDER****REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

